

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 39, 42-43, 50-52, and 55-58 have been rejected. Claims 44 and 45 have been allowed, and the Examiner has objected to Claims 41 and 46-49. Claim 39 has been cancelled without prejudice and Claims 41-42, 46, 49, 50-52, and 55-58 have been amended. No new matter has been added. Accordingly, Claims 41-52 and 55-58 remain pending in the present application.

The title has been amended to recite "Method of Making a Battery." A new Abstract of the Disclosure has also been provided herewith.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim Objections and Comment on Statement of Reasons for Allowance

On page 7 of the Office Action, the Examiner objected to Claims 41 and 46-49 as being dependent upon a rejected base claim, but indicated that such claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner stated:

Claim 41 would be allowable because the prior art does not disclose or suggest rotating at least a portion of the wire at the position intermediate the opposed ends of the wire. Claims 46-48 would be allowable because the prior art does not disclose or suggest feeding a continuous strip of the grid material along a linear path aligned with the longitudinal direction of the strip and punching grid material out of the strip to form the strip of interconnected grids. Claim 49 would be allowable because the prior art does not disclose or suggest feeding a continuous strip of the grid material along a linear path aligned with the longitudinal direction of the strip, piercing apertures in the strip of the grid material and laterally expanding the strip of grid material to form the strip of interconnected grids.

Claim 41 has been rewritten in independent form to include all limitations of independent Claim 39. Accordingly, the Applicants submit that Claim 41 is patentable.

Claim 46 has been rewritten in independent form to include all limitations of independent Claim 39. Accordingly, the Applicants submit that Claim 41 is patentable. The Applicants also submit that Claims 47-48 are patentable, since these claims depend from independent Claim 46 (as amended). See 35 U.S.C. § 112 ¶ 4.

Claim 49 has been rewritten in independent form to include all limitations of independent Claim 39. Accordingly, the Applicants submit that Claim 49 is patentable.

While the Applicants agree that allowed Claims 41 and 46-49 recite a combination of subject matter that is patentable over the cited references, the Applicants do not necessarily agree with or acquiesce in the statement of reasons for allowance given by the Examiner. Moreover, the Applicants note that the recited subject matter as well as various other subject matter and/or combinations of subject matter may be patentable for other reasons than those given by the Examiner. The Applicants expressly reserve the right to set forth additional and/or alternative reasons for patentability and/or allowance with the present Application or in any other future proceeding.

Double Patenting

On page 5 of the Office Action, the Examiner indicated that Claims 39, 42, 43, and 55 are rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,274,274 (“the ‘274 patent”).

Claim 39 has been cancelled, and Claims 42, 43, and 45 now depend from independent Claim 46 (as amended), which the Examiner has indicated as being allowable. Accordingly, the Applicants submit that the double patenting rejection has been overcome.

Claim Rejections – 35 U.S.C. § 103(a)

1. Claims 39 and 55-58

On page 1 of the Office Action, the Examiner rejected Claims 39, 50-52 and 55-58 as being obvious over U.S. Patent No. 5,851,695 to Misra et al. (“Misra et al.”) in view of U.S. Patent No. 5,611,128 titled to Wirtz (“Wirtz”) as evidenced by U.S. Patent No. 5,958,625 to Rao (“Rao”).

On page 4 of the Office Action, Claims 42-43 were rejected as being unpatentable over Wirtz in view of Misra et al. and International Publication No. WO 99/27595 to Kao et al. ("Kao et al.") under 35 U.S.C. § 103(a).

While the Applicants do not necessarily agree with or acquiesce in the rejection of independent Claim 39, Claim 39 has been cancelled without prejudice to advance prosecution on the merits.

Each of rejected Claims 42-43, 50-52, and 55-58 now depend from independent Claim 46, which the Examiner has indicated as being allowable. Accordingly, the rejections of Claims 42-43, 50-52, and 55-58 have been overcome, and the Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 42-43, 50-52, and 55-58.

* * *

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. Claims 41-52 and 55-58 will be pending in this Application. The Applicants request consideration and allowance of all pending Claims 41-52 and 55-58.

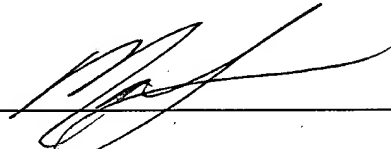
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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